



General Assembly

February Session, 2008

Amendment

LCO No. 4297

HB0580204297HDO

Offered by:
REP. O'BRIEN, 24th Dist.

To: House Bill No. 5802

File No. 125

Cal. No. 86

"AN ACT CONCERNING THE STATE FIRE PREVENTION CODE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501 Section 29-349 of the 2008 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2008*):

6 (a) The Commissioner of Public Safety shall have exclusive
7 jurisdiction in the preparation of and may enforce reasonable
8 regulations for the safe and convenient storage, transportation and use
9 of explosives and blasting agents used in connection therewith, which
10 regulations shall deal in particular with the quantity and character of
11 explosives and blasting agents to be stored, transported and used, the
12 proximity of such storage to inhabited dwellings or other occupied
13 buildings, public highways and railroad tracks, the character and
14 construction of suitable magazines for such storage, protective
15 measures to secure such stored explosives and blasting agents,

16 measures designed to minimize vibration, noise and adverse impacts
17 on nearby property caused by such explosives and blasting agents and
18 the abatement of any hazard that may arise incident to the storage,
19 transportation or use of such explosives and blasting agents. The
20 Commissioner of Public Safety shall consult with the Commissioner of
21 Environmental Protection when preparing regulations concerning
22 measures designed to minimize vibration, noise and adverse impacts
23 on nearby property caused by explosives and blasting agents.

24 (b) No person, firm or corporation shall engage in any activity
25 concerning the storage, transportation or use of explosives unless such
26 person, firm or corporation has obtained a license therefor from the
27 Commissioner of Public Safety. Such license shall be issued upon
28 payment of a fee of one hundred dollars and upon submission by the
29 applicant of evidence of good moral character and of competence in
30 the control and handling of explosives, provided, if such license is for
31 the use of explosives, it may be issued only to an individual person
32 after demonstration that such individual is technically qualified to
33 detonate explosives. Any such license to use explosives shall bear both
34 the fingerprints of the licensee obtained by the Commissioner of Public
35 Safety at the time of licensing, and the licensee's photograph, furnished
36 by the licensee, of a size specified by the commissioner and taken not
37 more than one year prior to the issuance of the license. Each such
38 license shall be valid for one year from the date of its issuance, unless
39 sooner revoked or suspended, and may be renewed annually
40 thereafter upon a payment of seventy-five dollars.

41 (c) The Commissioner of Public Safety shall require any applicant
42 for a license under this section to submit to state and national criminal
43 history records checks. The criminal history records checks required
44 pursuant to this subsection shall be conducted in accordance with
45 section 29-17a.

46 (d) No person shall manufacture, keep, store, sell or deal in any
47 explosives unless such person has a valid license under the provisions
48 of subsection (b) of this section and obtains from the Commissioner of

49 Public Safety or from the fire marshal of the town where such business
50 is conducted a written permit therefor, which permit shall not be valid
51 for more than one year and for which such person shall pay a fee of
52 fifty dollars. If the permit is issued by the Commissioner of Public
53 Safety, the commissioner shall forward a copy thereof to the local fire
54 marshal. Such permit so granted shall definitely state the location of
55 the building where such business is to be carried on or such explosive
56 deposited and shall state that such building or premises complies with
57 the regulations provided for in this section.

58 (e) No person shall procure, transport or use any explosives unless
59 such person has a valid license under subsection (b) of this section and
60 has obtained a written permit therefor signed by the Commissioner of
61 Public Safety or by the fire marshal of the town where such explosive
62 is to be used, specifying the name of the purchaser, the amount to be
63 purchased and transported and the purpose for which it is to be used.
64 Any such permit to use explosives shall state the number of years the
65 permittee has been engaged in blasting activity. Such permit shall be
66 valid for such period, not longer than one year, as is required to
67 accomplish the purpose for which it was obtained. No carrier shall
68 transport any such explosive until the vehicle transporting the
69 explosive has been inspected and approved by the Department of
70 Public Safety and unless such written permit accompanies the same
71 and no person shall have in such person's possession any such
72 explosive unless such person has a license and permit therefor. The fee
73 for such inspection shall be fifty dollars. The fee for such permit shall
74 be thirty dollars. Each person who has in such person's custody or
75 possession any explosive or any detonating caps for explosives shall
76 keep the same either under personal observation or securely locked
77 up.

78 (f) Any license or permit issued under the provisions of this section
79 may be suspended or revoked by the issuing authority for violation by
80 the licensee or permittee of any provision of law or regulation relating
81 to explosives or conviction of such licensee or permittee of any felony
82 or misdemeanor. Suspension or revocation of a license shall

83 automatically suspend or revoke the permit and the suspension or
84 revocation of a permit shall automatically suspend or revoke the
85 license.

86 (g) Any person who, by himself or herself or by such person's
87 employee or agent or as the employee or agent of another, violates any
88 provision of this section, or any regulation made by the Commissioner
89 of Public Safety pursuant to the provisions of this section, shall be
90 fined not more than ten thousand dollars or imprisoned not more than
91 ten years or both.

92 (h) As used in this section, "blasting agent" means any material,
93 composition or mixture intended for blasting, consisting substantially
94 of a fuel and oxidizer, none of the ingredients of which is an explosive
95 as defined in section 29-343, and the finished product of which as
96 mixed and packaged for use or shipment cannot be detonated by the
97 test procedure established by regulations adopted by the
98 Commissioner of Public Safety in accordance with chapter 54.

99 (i) Notwithstanding the provisions of this section, the Labor
100 Commissioner shall regulate the storage, transportation and use of
101 explosives and blasting agents in places of employment insofar as such
102 activities relate to employee health and safety, provided such
103 regulations shall be no less stringent than those prepared and enforced
104 by the Commissioner of Public Safety pursuant to this section."